

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY TIFT,

Defendant.

CASE NO. CR20-0168-JCC

ORDER

This matter comes before the Court on the motion of *pro se* Defendant Gregory Tift to compel the production of Jencks Act¹ materials (Dkt. No. 121). Mr. Tift was indicted on drug conspiracy and distribution charges. (Dkt. No. 41.) Trial is currently set for November 21, 2022. (Dkt. No. 126.)

Mr. Tift, through this motion, “gives notice to the Court and Government of his intention to exercise his rights under the Jencks Act for every prosecutorial witness called.” (Dkt. No. 121 at 1.) The Government confirms it is aware of its obligations under the Jencks Act, has produced several Jencks Act materials already in discovery, and will produce any remaining materials “no later than the time period specified in the Act.” (Dkt. No. 125 at 1–2.) So, there is currently no need for further order of the Court.

¹ 18 U.S.C. § 3500.

1 Mr. Tift further asks the Court to enter at trial the proposed order he filed along with his
2 motion. (*See* Dkt. Nos. 121 at 4, 121-1.) The Court reminds him that the burden rests upon the
3 defendant to invoke the Jencks Act at the appropriate time. *Ogden v. United States*, 303 F.2d
4 724, 733 (9th Cir. 1962). “The ‘appropriate time’ to request Jencks Act material is *during trial*
5 after the witness has testified on direct examination.” *United States v. Allred*, 876 F.2d 897 (9th
6 Cir. 1989) (citing *United States v. Bernard*, 623 F.2d 551, 556 (9th Cir.1979)) (emphasis in
7 original); *see* 18 U.S.C. § 3500(b).

8 Accordingly, Mr. Tift’s motion (Dkt. No. 121) is DENIED.

9 DATED this 25th day of July 2022.

10
11
12 

13 John C. Coughenour
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26